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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

July 8, 2016

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

RE: Various Highway Maintenance Facilities- 2015- New Salt Storage Buildings Construction Contingency Fund Increase

Dear Honorable Members:

On July 30, 2015, your Honorable Body approved award of construction contracts for the Various Highway Maintenance Facilities-2015-New Salt Storage Buildings project, including a construction contingency.

The construction contingency needs to be increased due to the unforeseen contaminated soil conditions incurred during execution of the project at the Clarence Highway Facility and remedial clean-up that has been requested by the NYS Department of Environmental Conservation (NYSDEC).

Should your Honorable Body require further information, I encourage you to contact Commissioner John C. Loffredo at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: John C. Loffredo, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Various Highway Maintenance Facilities- 2015- New Salt Storage Buildings
Date: July 8, 2016

SUMMARY

On July 30, 2015 this Honorable Body approved a resolution to award construction contracts for an amount not to exceed $925,000.00, including a Construction Contingency Fund. After receiving bids and awarding contracts to the lowest responsible bidder, there was a balance of $47,418.00 remaining to fund the Construction Contingency Fund. When the excavation work started at the Clarence Highway Facility, contaminated soils were encountered and tested. The results came back greater than acceptable limits per NYSDEC regulations.

On May 12, 2016, the NYSDEC sent a letter to the County that the contaminated soils must be remediated. Wendel Engineers have estimated the clean-up cost to be in the $150,000 range.

This resolution is seeking approval for the County Executive to increase the Construction Contingency Fund by $150,000 to a total of $197,418.00 for the clean-up cost.

FISCAL IMPLICATIONS

Funds for the project are available from the approved, as adopted, 2016 Capital Budget Project – A.16009- 2016 DPW Environmental Regulatory Compliance (Countywide), Fund 410, Business Area 122.

REASON FOR RECOMMENDATION

If the County does not remediate the contaminated soil in a timely manner, the NYS-DEC will perform the clean-up and bill the County for their costs and the clean-up cost.

BACKGROUND INFORMATION

The County is replacing the old dilapidated wood salt storage building at the Clarence Highway Facility with a new and larger state-of-the-art salt storage building. When the contractor started excavating for the building foundations, contaminated soils were encountered which must be remediated per NYS-DEC regulations.

CONSEQUENCES OF NEGATIVE ACTION

Since the old wood salt storage building at the Clarence Highway Facility was already demolished, the new salt storage building must be built in order for the County to store salt for use during winter months. If the new salt storage building is not completed the County would not be in compliance with the NYS-DEC regulations for containing salt run off. The public would be at risk for driving on non-salted roads.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the Construction Contingency fund will be increased.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

GREGORY GACH
Deputy Comptroller
Comptroller's Office

File: (BG.6.28.16 Salt Storage Building.Various Facilities)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Various Highway Maintenance Facilities- 2015- New Salt Storage Buildings Construction Contingency Fund Increase

WHEREAS, last year construction contracts were authorized by this Honorable Body for the Various Highway Maintenance Facilities-2015-New Salt Storage Buildings project; and

WHEREAS, when the contractor started excavating for the foundations and contaminated soils were encountered which must be remediated per NYS-DEC regulations; and

WHEREAS, the Construction Contingency must be increased to fund additional work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to increase the current construction contingency fund by $150,000.00 to a total of $197,418.00 to address environmental issues at the Clarence Highway Barn; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that Contract Amendments will be negotiated and issued to the previously approved contractors on site to complete the additional work at the Clarence Highway Barn; and be it further

RESOLVED, that the Comptroller's office be authorized to make payment for all the above from SAP Project A.16009-2016-DPW Environmental Regulatory Compliance (Countywide), Fund 410, Business Area 122, for a total amount not to exceed $150,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

TO: GREGORY GACH, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST

CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT		COMPLETE ITEMS 1 THROUGH 5
1.	CONTRACTOR'S NAME	On-site Contractors
2.	AMOUNT OF CONTRACT	$150,000.00
3.	PROJECT NUMBER	A.16009
4.	PROJECT TITLE	Various Highway Maintenance Facilities- 2015- New Salt Storage Buildings-Construction Contingency Fund Increase
5.	DEPARTMENT CONTACT	Funding questions: Jeffrey P. Zack #8824 Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE		COMPLETE ITEMS 6 AND 7
6.	AVAILABILITY OF FUNDS	$ 500,000.00
7.	PERFORMED BY	[illegible]

Date sent to Comptroller's Office: June 28, 2016

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